

**TITLE 16. DENTAL HYGIENE COMMITTEE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Committee of California (“Committee”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

Department of Consumer Affairs  
1<sup>st</sup> Floor Hearing Room  
2005 Evergreen Street  
Sacramento, California on

**April 28, 2014**

**9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Committee at its office not later than 5:00 p.m. on April 28, 2014, or must be received by the Committee at the hearing. The Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1905, 1905(m) and 1909 of the Business and Professions Code and Section 106975 of the Health and Safety Code, and to implement, interpret or make specific Sections 1905, 1917 and 1941 of the Business and Professions Code, the Committee is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST**

A. Informative Digest

Business and Professions Code Section 1906 authorizes the Committee to adopt, amend and repeal such rules and regulations as may be reasonably necessary to enable the Committee to effect the provisions of Business and Professions Code sections 1900-1966.6. This proposal would specify requirements for Committee approval of dental hygiene educational programs. The regulations in this area are outdated, and exist in the Dental Practice Act, in the California Code of Regulations (CCR) Title 16, Division 10, Sections 1070.1, 1072 and 1072.1. These regulations have not been updated since 1985, when there were approximately ten dental hygiene educational programs approved to operate within California. Currently, thirty dental hygiene

educational programs are approved in California due to the Committee's acceptance of accreditation by the Commission on Dental Accreditation (CODA). SB 1202, effective January 1, 2013, gave the Committee permissive authority to approve any dental hygiene program accredited by CODA, rather than requiring the Committee to approve any dental hygiene program accredited by CODA, as previous statutory language mandated. This statutory change also authorized the Committee to withdraw or revoke programs' approval if the CODA has withdrawn or intends to withdraw approval. The Committee needs current regulations within Division 11 that specify the requirements for new and previously approved dental hygiene educational programs, and the Committee is proposing the following:

- Adopt Section 1103 of Division 11, Title 16 of the California Code of Regulations  
This proposed new section defines dental hygiene terms that are used within statute and regulation so that applicants, licensees, staff and the public have clear and consistent definitions for terms currently used in dental hygiene education.
- Adopt Section 1105 of Division 11, Title 16 of the California Code of Regulations  
This proposed new section would update the requirements for approval of dental hygiene educational programs contained in Division 10, Section.1072.1, by specifying current requirements for administration, student admissions, prerequisites, instruction, standards of competency, facilities and equipment, health and safety, curriculum and learning resources. The proposed regulations provide for course review and withdrawal of approval, and ensure that all approved course providers continue to meet the requirements contained in the regulations, provisions that are not in Section 1072.1. These proposed regulations would require the Committee to provide denied course provider applicants with the specific reasons for denial within 90 days.
- Adopt Section 1105.1 of Division 11, Title 16 of the California Code of Regulations  
This proposed new section would update and specify the current requirements for approval of dental hygiene educational programs contained in Division 10, Section.1072.1 relative to requirements for program director and faculty.
- Adopt Section 1105.2 of Division 11, Title 16 of the California Code of Regulations  
This proposed new section would update and specify the current requirements for approval of dental hygiene educational programs contained in Division 10, Section.1072.1 relative to required curriculum content and organization.
- Adopt Section 1105.3 of Division 11, Title 16 of the California Code of Regulations  
This proposed new section would specify the requirements and timeframe for changes to an approved dental hygienist educational program. There are currently no regulations that require an educational program to notify the Committee if it changes its location or ownership, if its fiscal condition changes, or if there is a substantial change in the program's organizational structure.
- Adopt Section 1105.4 of Division 11, Title 16 of the California Code of Regulations  
This proposed new section would specify the appeals process for educational programs whose approval is denied or withdrawn by the Committee. There are currently no regulations that allow an educational program to appeal the Committee's decision.
- Adopt Section 1106 of Division 11, Title 16 of the California Code of Regulations

This proposed new section would authorize approved dental hygienist educational programs to issue the radiation safety certificate required to take radiographs. There are currently no regulations that allow an educational program to issue a radiation safety certificate to a student who has completed required coursework, or to a graduate.

**B. Policy Statement Overview/Anticipated Benefits of Proposal**

The Committee's policy is to promulgate regulations for the protection of California consumers. When there is no impact on consumers, the Committee endeavors to pursue regulations that are not burdensome to licensees. Dental hygienist programs require clinical practice of dental hygiene procedures by students in clinics and offices. This proposal protects California consumers by ensuring that dental hygienist educational programs meet criteria and standards necessary for students to learn to perform procedures safely, and to protect Californians while students learn and practice these procedures.

Protection of the public is the Committee's primary mission. These regulations benefit the public by specifying the content and administration of a dental hygienist educational program, so that dental hygiene patients are protected from harm during the clinical practice of procedures by dental hygiene students.

These regulations benefit dental hygienist students by specifying curriculum, faculty, facility instructional, and health and safety requirements, so that students receive a complete and quality educational program. Students need instruction in California's stringent infection control, hazardous waste management and bloodborne and infectious disease control protocols. These regulations ensure that students who take a Committee-approved educational program will receive instruction from qualified licensed faculty in an educationally optimal environment to learn protocols and procedures to safely perform dental hygiene duties.

The proposal benefits educational programs by specifying the requirements, so programs know exactly what is needed to gain and maintain Committee approval.

**C. Consistency and Compatibility with Existing State Regulations**

During the process of developing these regulations and amendments, the Committee has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Requires Reimbursement: None

Business Impact: The Committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:  
The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### **EFFECT ON SMALL BUSINESS**

The Committee has determined that the proposed regulations would not have a significant economic impact on small businesses since a small business would not have the resources to open or maintain a dental hygiene educational program.

### **RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

#### Impact on Jobs/Businesses:

The Committee has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### Benefits of Regulation:

The Committee has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety and state's environment:

This regulation will benefit the state's environment and the health of California residents and workers by ensuring that all registered dental hygienist students receive education and training in the safe provision of dental hygiene procedures.

### **CONSIDERATION OF ALTERNATIVES**

The Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Hygiene Committee of California at 2005 Evergreen Street, Suite 1050, Sacramento, California 95815.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Lori Hubble, Executive Officer  
Address: 2005 Evergreen Street, Suite 1050  
Sacramento, CA 95815  
Telephone No.: (916) 263-1978  
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E-Mail Address: Lori.Hubble@dca.ca.gov

The backup contact person is:

Name: Donna Kantner  
Address: 2005 Evergreen Street, Suite 1050  
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Website Access: Materials regarding this proposal can be found at the Committee's website: [www.dhcc.ca.gov](http://www.dhcc.ca.gov).